

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION**

IN RE: } CHAPTER 13
 }
ORDALIZA GUZMAN, } CASE NO. R22-40562-PWB
 }
DEBTOR(S) } JUDGE BONAPFEL
 }
K. EDWARD SAFIR, }
CHAPTER 13 TRUSTEE, }
MOVANT }
 }
vs. }
 }
MIDLAND CREDIT MANAGEMENT, INC., }
 }
RESPONDENT(S) }

CHAPTER 13 TRUSTEE'S OBJECTION TO CLAIM NO. 5-1

COMES NOW, K. Edward Safir, Standing Chapter 13 Trustee in the above-styled matter, and files this Objection to Claim No. 5-1, respectfully showing the Court as follows:

1.

The Debtor filed for relief under Chapter 7 on May 3, 2022. The Court granted the Debtor's Motion to voluntarily convert the case to Chapter 13 on July 6, 2022. An Order re-converting the case to Chapter 7 was entered on October 14, 2022. The Court granted the Debtor's Motion to voluntarily re-convert the case to Chapter 13 on February 1, 2023.

2.

Reset confirmation of the Debtor's proposed Chapter 13 plan is scheduled for hearing before this Court on May 10, 2023, at 9:30 a.m.

K. Edward Safir, Chapter 13 Trustee
285 Peachtree Center Avenue, N.E., Suite 1600
Atlanta, Georgia 30303
(404) 525-1110
brandik@atlch13tt.com

3.

On March 10, 2023, Midland Credit Management, Inc. filed a general unsecured claim in the amount of \$5,407.54 (Claim No. 5-1 on the Court's Claims Register).

4.

This claim was filed after the claims bar date, in violation of Fed. R. Bankr. P. 3002(c).

WHEREFORE, based on the foregoing, the Chapter 13 Trustee respectfully moves the Court for an Order disallowing Claim No. 5-1 of Midland Credit Management, Inc. and for such other and further relief as the Court may deem just and proper.

Respectfully submitted this 9th day of May, 2023.

/s/
Brandi L. Kirkland
Attorney for the Chapter 13 Trustee
GA Bar No. 423627

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NOTICE OF HEARING

PLEASE TAKE NOTICE that K. Edward Safir, Chapter 13 Trustee, has filed an Objection to Claim No. 5-1 and related papers with the Court seeking an Order disallowing the claim.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the Objection to Claim No. 5-1 at **10:00 a.m. on June 21, 2023**, in Courtroom 342, United States Courthouse, 600 East First Street, Rome, Georgia 30161, which may be attended in person or via the Court's Virtual Hearing Room. You may join the Virtual Hearing Room through the "Dial-in and Virtual Bankruptcy Hearing Information" link at the top of the homepage of the Court's website, www.ganb.uscourts.gov, or the link on the Judge's webpage, which can also be found on the Court's website.

Please also review the "Hearing Information" tab on the Judge's webpage for further information about the hearing. You should be prepared to appear at the hearing via video, but you may leave your camera in the off position until the Court instructs otherwise. Unrepresented persons who do not have video capability may use the telephone dial-in information on the Judge's webpage.

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Your rights may be affected by the Court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one. If you do not want the Court to grant the relief sought in these pleadings, or if you want the Court to consider your views, then you and/or your attorney must attend the hearing.

You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how, and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk before the hearing. The address of the Clerk's Office is Clerk, United States Bankruptcy Court, Room 339, 600 East First Street, Rome, Georgia 30161. You must also mail a copy of your response to the undersigned at the address stated below.

Dated: May 9, 2023

Respectfully submitted,

/s/
Brandi L. Kirkland
Attorney for the Chapter 13 Trustee
GA Bar No. 423627

K. Edward Safir, Chapter 13 Trustee
285 Peachtree Center Avenue, N.E., Suite 1600
Atlanta, Georgia 30303
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CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of May, 2023, I electronically filed the foregoing Objection to Claim No. 5-1 with the Clerk of Court using the CM/ECF system, which will automatically send an email notification of such filing to the parties or attorneys of record.

I have also on this day caused a copy of the pleading to be placed in the first-class United States mail, postage prepaid, addressed to the following recipients not participating in the CM/ECF system as follows:

Ordaliza Guzman
1203 Foster St
Dalton, GA 30721-3919

Midland Credit Management, Inc.
Attn: Jovanka Hujdurovic, Bankruptcy Specialist
P.O. Box 2037
Warren, MI 48090

Dated: May 9, 2023

/s/
Brandi L. Kirkland
Attorney for the Chapter 13 Trustee
GA Bar No. 423627

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